

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONALD ORTH, et al.,

Plaintiffs,

v.

Case No. 07-C-149

WISCONSIN STATE EMPLOYEES UNION
COUNCIL 24, et al.

Defendants.

ORDER

Following entry of an order allowing an award of attorney's fees, plaintiffs submitted their accounting of the fees they incurred. The total amount of fees sought is \$40,275.50, plus plaintiffs seek a delay enhancement reflecting interest on these fees since the Orths were unable to pay them as they became due. They have also amended their request to add an additional \$467.73, representing compensation for computer assisted legal research. I conclude that because the fee amount sought is reasonable and the defendant does not object to the amount, the plaintiffs are entitled to a fee award of \$40,743.23. However, I will decline to award a "delay enhancement." The amounts sought (which are apparently left to the court to calculate) reflect an exorbitant monthly interest rate of 1.5%, a burden not fairly attributable to the defendant. Moreover, the enhancement is based on the plaintiffs' inability to pay any legal fees due to their "dire" financial condition, as well as the plaintiffs' attorney's decision to move forward with the case despite nonpayment. These are factors that are more an issue between plaintiffs and their lawyers rather than something that can be can be laid solely at the feet of the defendant.

Accordingly, **IT IS ORDERED** that an amended judgment be entered reflecting an award of attorney's fees in the amount of \$40,743.23.

Dated this 3rd day of August, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge